

**Dated: September 5, 2024**

**The following is ORDERED:**



  
PAUL R. THOMAS  
UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE:**

**C M HEAVY MACHINERY, LLC,  
  
Debtor.**

**Case No. 24-80617  
Chapter 11**

**ORDER GRANTING CREDITOR GREAT PLAINS NATIONAL BANK'S  
MOTION FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT  
TO 11 U.S.C. § 362(D) TO SEVER THE DEBTOR FROM STATE COURT  
LITIGATION AND WAIVER OF 14-DAY STAY UNDER FED. R. BANKR. P. 4001(A)(3)**

This matter came before the Court on Creditor Great Plains National Bank's ("GPNB") Motion for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d) to Sever the Debtor from State Court Litigation and Waiver of 14-Day Stay under FED. R. BANKR. P. 4001(a)(3) (the "Motion"), filed herein at Doc. No. 20. This Court, having reviewed the Motion and having considered the arguments of counsel at a hearing before the Court (the "Hearing"), if any, finds that: (a) this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; (b) this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and (c) notices of the Motion and Hearing

were sufficient under the circumstances. Having considered the evidence, arguments of counsel, and responses, if any, this Court is of the opinion that the Motion is meritorious and establishes sufficient grounds for the relief requested therein.

**IT IS THEREFORE ORDERED THAT:**<sup>1</sup>

1. The Motion filed by GPNB is **GRANTED**.
2. To the extent applicable, the automatic stay is immediately terminated, pursuant to 11 U.S.C. § 362(d) to the extent necessary to permit GPNB to sever Debtor C M Heavy Machinery, LLC from the state court action pending in the District Court of Okfuskee County, Oklahoma, styled *Great Plains National Bank v. CM Heavy Machinery, LLC et al.*, Case No. CJ-2024-34, and proceed against non-debtor Clint Meadors and other non-debtor parties.
3. The fourteen (14) day stay otherwise imposed by FED. R. BANKR. P. 4001(a)(3) shall not be applicable to this Order.
4. This Court shall retain exclusive jurisdiction to enforce or modify the terms of this Order.
5. GPNB shall notify all interested parties of this Order.

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<sup>1</sup> Unless otherwise noted, all undefined capitalized terms appearing in this Order shall have the meaning ascribed in the Motion.

Submitted by:

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